

**Judgment of the Court (Fourth Chamber) of 21 September 2006 —  
Commission v Luxembourg**

**(Case C-100/06)**

Failure of a Member State to fulfil obligations — Directive 2003/66/EC — Energy  
labelling of household electric refrigerators, freezers and their combinations —  
Failure to transpose within the prescribed period

*Member States — Obligations — Implementation of directives — Failure to fulfil  
obligations — Justification based on national considerations — Not permissible (Art.  
226 EC) (see para. 12)*

**Re:**

Failure of a Member State to fulfil obligations — Failure to adopt, within the  
prescribed period, the measures necessary to comply with Commission Directive  
2003/66/EC of 3 July 2003 amending Directive 94/2/EC implementing Council  
Directive 92/75/EEC with regard to energy labelling of household electric  
refrigerators, freezers and their combinations (OJ 2003 L 170, p. 10).

**Operative part**

The Court:

1. Declares that, by failing to adopt, within the prescribed period, the laws,  
regulations and administrative provisions necessary to comply with  
Commission Directive 2003/66/EC of 3 July 2003 amending Directive  
94/2/EC implementing Council Directive 92/75/EEC with regard to energy  
labelling of household electric refrigerators, freezers and their combinations,  
the Grand Duchy of Luxembourg has failed to fulfil its obligations under that  
directive;
2. Orders the Grand Duchy of Luxembourg to pay the costs.